

SLR:KAN/LDM:DPL  
F.#2010V00215

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

TWENTY-SEVEN THOUSAND TWO HUNDRED  
AND NINE DOLLARS AND FIFTY-THREE  
CENTS (\$27,209.53) PREVIOUSLY ON  
DEPOSIT IN PARK AVENUE BANK ACCOUNT  
NUMBER 6000804477, NOW IN THE  
CUSTODY OF THE U.S. DEPARTMENT OF  
TREASURY, HELD IN THE NAME OF JACOB  
& LEAH NEUSCHLOSS, AND ALL PROCEEDS  
TRACEABLE THERETO,

FIFTY-TWO THOUSAND SIX HUNDRED AND  
NINETY-FIVE DOLLARS AND SEVENTY-ONE  
CENTS (\$52,695.71) PREVIOUSLY ON  
DEPOSIT IN PARK AVENUE BANK ACCOUNT  
NUMBER 6200023070, NOW IN THE  
CUSTODY OF THE U.S. DEPARTMENT OF  
TREASURY, HELD IN THE NAME OF 13<sup>TH</sup>  
AVENUE LINGERIE SHOP INC., AND ALL  
PROCEEDS TRACEABLE THERETO, and

THIRTY-FIVE THOUSAND NINE HUNDRED  
AND THIRTEEN DOLLARS AND THIRTY  
CENTS (\$35,913.30) PREVIOUSLY ON  
DEPOSIT IN PARK AVENUE BANK ACCOUNT  
NUMBER 6200023089, NOW IN THE  
CUSTODY OF THE U.S. DEPARTMENT OF  
TREASURY, HELD IN THE NAME OF THE  
LINGERIE SHOP 50<sup>TH</sup> ST. INC., AND ALL  
FUNDS TRACEABLE THERETO,

Defendants In Rem.

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DECLARATION OF ASSISTANT  
UNITED STATES ATTORNEY  
DUNCAN LEVIN IN SUPPORT  
OF DECREE OF FORFEITURE  
AND ORDER OF DELIVERY

Civil Action No.  
CV-10-2633

(Irizarry, J.)

DUNCAN LEVIN, declares the following under penalty of perjury:

1. I am an Assistant United States Attorney, of counsel to LORETTA E. LYNCH, United States Attorney, Eastern District of New York, attorney for Plaintiff United States of America. In that capacity, the prosecution of the above-captioned action has been assigned to me. Based upon my personal knowledge and my review of records maintained by the government and the Court, I have knowledge of the facts set forth below.

2. This declaration is submitted in support of the government's application for a Decree of Forfeiture and Order of Delivery pursuant to 31 U.S.C. § 5317, forfeiting and condemning one hundred and fifteen thousand eight hundred and eighteen dollars and fifty-four cents (\$115,818.54), more or less, previously on deposit in the above-captioned bank accounts, now in the custody of the United States Department of Treasury (the "Defendant Funds") to the use and benefit of the United States of America.

3. On June 10, 2010, Plaintiff filed a Verified Complaint In Rem for the seizure and forfeiture of the Defendant Funds pursuant to 31 U.S.C. § 5317. A copy of the Verified Complaint is attached hereto as Exhibit A.

4. On June 10, 2010, the Court issued a Warrant for Arrest of Articles In Rem pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, authorizing the arrest of the Defendant Funds. A copy of the Warrant for Arrest of Articles In Rem is attached hereto as Exhibit B.

5. The United States has executed process and served all known potential claimants, including Jacob and Leah Neuschloss (the "Neuschlosses") and Alan Vinegrad, Esq. ("Counsel"), counsel for the Neuschlosses. Proof of service is attached hereto as Exhibit C.

6. In addition, legal notice of this action was published on the official government website, [www.forfeiture.gov](http://www.forfeiture.gov), in this district beginning on June 17, 2010 for at least thirty consecutive days. The affidavit of publication, which was previously filed with the Clerk of the Court, is attached hereto as Exhibit D.

7. On July 14, 2010, the Neuschlosses requested that their deadline to file a verified claim be extended until September 20, 2010. The Court granted that request.

8. On September 8, 2010, the Neuschlosses requested that their deadline to file a verified claim again be extended until November 4, 2010. The Court granted that request.

9. On November 3, 2010, Counsel informed the government that the Neuschlosses do not intend to file a claim in this civil action.

10. No verified claim or answer to the government's complaint has been served or filed by any potential claimant, as required by Rule G(5), and the time to do so has expired. Upon information and belief, no person thought to have an interest in the Defendant Funds is an infant or incompetent or is presently engaged in military service.

11. In light of the foregoing, Plaintiff respectfully requests that the Court enter an Order noting the default of any and all persons who may have a claim or interest in the Defendant Funds, forfeiting and condemning the Defendant Funds to Plaintiff, and directing the United States Department of Treasury and its agents to dispose of the Defendant Funds in accordance with the law.

The undersigned declares under penalty of perjury that the foregoing is true to the best of his knowledge, information and belief.

Dated: Brooklyn, New York  
November 26, 2010

/s Duncan Levin  
DUNCAN LEVIN  
Assistant U.S. Attorney  
(718) 254-6060/7000